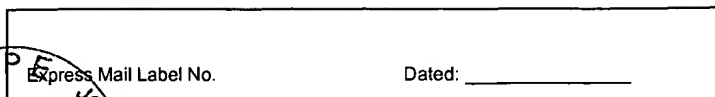


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: P. Gambel

For: USE OF ANTIBODIES THAT SPECIFICALLY
BIND CD40CR (CD40 LIGAND) TO INHIBIT
HUMORAL IMMUNITY

SECOND RESPONSE TO OFFICE COMMUNICATION UNDER 37 CFR 1.105

Dear Sir:

Applicants herewith file a second response to the Office Communication dated July 7, 2004 (Paper No. 07062004). The Examiner has requested Applicants to provide "the Decision on the Interference [in application USSN 08/742,480] as well as related information (e.g. Exhibits, Declarations, etc.) and appeals which will directly affect or be directly affected by or have a bearing on the decision in the pending application [USSN 09/467,317]" since the "Examiner has determined [such information] is reasonably necessary to the examination of this application." Further, the Examiner has "reminded [applicants that if] ... Applicant[s] do not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item."

As indicated in our response filed August 9, 2004, Applicants were unable to readily obtain a CD-ROM containing digital images of those papers in the possession of Applicants' counsel in the presently pending appeal of Interference No. 104,724, i.e., *The Trustees of Dartmouth College and Idec Pharmaceuticals Corporation v. Immunex Corporation*, Civil Action No. 03-CV-02676-ORD (W.D.Wa. Sept. 3, 2003) ("the Washington action") containing required information within the period set to respond to the Examiner's request. Applicants have submitted this CD-ROM herewith.

Additionally, as indicated in our response of August 9, 2004, there is a Protective Order in the Washington Action that prevents public disclosure of certain papers and information from that Action which fall under the terms of the Order. In light of the Examiner's RFI in the underlying application, Applicants, through counsel, have obtained authorization from counsel for the defendant in the Washington Action to disclose to the Examiner all such papers from the Action -- even assuming that any of those papers may be within the provisions of the Protective Order. Should there be any problems with accessing the images on the CD, the Examiner is invited to telephone the undersigned.

The Examiner should be further advised that Applicants are supplying in the CD-ROM all papers in their counsel's possession, which may not be, in fact, every single paper from above. Should that be the case and should the Examiner desire any one of such papers (should they be, in fact, missing), then Applicants will make all reasonable efforts to obtain any such missing paper.

Dated: August 11, 2004

Respectfully submitted,

By Stephanie R. Amoroso, Ph.D.

Registration No.: 51,401

DARBY & DARBY P.C.

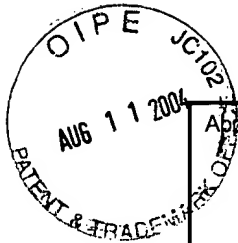
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Attorneys/Agents For Applicant



Application No. (if known): 09/467,317

Attorney Docket No.: 20052/1200517-US3

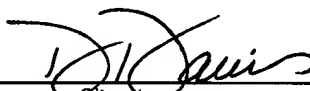
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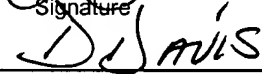
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Second Response To Office Communication Under 37 CFR 1.105 of
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